

JAPS CAPTURE
WAI-TOU-SHAN
AND TWO GUNS

Oyama's Right Wing Re-
news Battle With
Russians.

TIE PASS TO BE HELD

Anglo-Russian Troubles Re-
ferred to The Hague
Convention.

TOKYO, Oct. 29.—Marshal Oyama
reports that on October 27, a detach-
ment of his right army attacked the
enemy at Wai-Tou-Shan, consisting
of two battalions of infantry.

The detachment met a stubborn re-
sistance, but finally captured Wai-
Tou-Shan and captured two machine
guns.

On October 28 the enemy continued
cannonading Wai-Tou-Shan till the
afternoon, then disappeared.

No other important engagements
took place on that day.

RUSSIANS WILL
DEFEND TIELING

TOKYO, Oct. 29.—A dispatch from
Kaitoung says that a strong Russian
screen has been established five miles
southwest and north of the Tlie pass.
Two thousand Russian troops recently
occupied Changsantz, whence they are
daily sending out scouting expeditions
in the direction of Shantung.

At Paltapan, south of Mukden, on Oc-
tober 21, the Russians massacred sev-
enty Chinese, charged with assisting the
Japanese.

A dispatch from Seoul reports an al-
day fight on Sunday between a Russian
cavalry detachment numbering 400 men
and Chinese bands at Shigotientz, twenty-
five miles north of Hsienchang.

The railway to the naval station of
Maikura will be opened on November 1,
and is considered important.

It is officially announced here that Ja-
pan has not purchased or ordered a sin-
gle torpedo boat from England since the
war began.

ROGESTVENSKY IS
OBJECT OF WRATH

ST. PETERSBURG, Oct. 29.—The
naval and grand duels paces in the
Russian capital feel some over the con-
cessions made by Russia to Great Brit-
ain in the North Sea affair.

As a sign of their wrath they will
turn upon Admiral Rogestvensky, the
commander of the Baltic fleet. His re-
call they are already urging on the
ground that he displayed lack of disci-
pline in delaying his report to the govern-
ment.

Count Lamsdorff, the foreign minister,
and the Czar are generally given the full
credit for the settlement.

NORTH SEA ROW
GOES TO HAGUE

LONDON, Oct. 29.—The war crisis
has passed for the time being. Russia
and England have agreed to submit the
question of responsibility for the North
Sea outrage to a convention which shall
inquire into the facts.

With unexampled magnanimity, Great
Britain has consented to make use of
the machinery of the Hague Tribunal
to determine, not the settlement of the
controversy, but the facts which under-
lie it.

These facts are really beyond dispute.
The sole object in submitting the evi-
dence to an international board is to
keep within the jurisdiction of diplo-
macy an issue which otherwise would
plunge two great powers into war
within twenty-four hours.

It happens therefore with peculiar ap-
propriateness that the first important
use of this instrument which the Czar
created is to save his empire from the
(Continued on Second Page.)

WEATHER REPORT.

For weather prevails in all parts of
the country, with temperatures generally
below the seasonal average.

The barometric condition have not
changed materially during the last twenty-
four hours. A crescent-shaped ridge
of high pressure extends from the Mid-
dle Atlantic and New England Coasts
southward through the interior val-
leys, whence it curves to the northeast
over the plains and Rocky Mountain re-
gions.

There has been no precipitation of con-
sequence nor temperature changes of
importance during the last twenty-four
hours.

TEMPERATURE.

9 a. m. 49
12 noon 52
3 p. m. 55
6 p. m. 58

DOWNTOWN TEMPERATURE.
(Registered Adick's Standard Thermometer)
9 a. m. 53
12 noon 56
3 p. m. 59
6 p. m. 62

THE SUN.

Sun sets today 5:04
Sun rises tomorrow 6:22

TIDE TABLE.

Low tide today 5:23 p. m.
High tide today 11:29 p. m.
Low tide tomorrow 6:12 a. m.
High tide tomorrow 11:57 a. m.

M'CUE HAS TILT
WITH HIS GUARD
IN YARD OF JAIL

Irritated When Remind-
ed Court Would Soon
Assemble.

HOT LANGUAGE FOLLOWS

Prisoner Apologizes—Court
Adjourns Until Mon-
day Morning.

CHARLOTTESVILLE, Va., Oct. 29.—
It is now learned that the reason the
prisoner, J. Samuel McCue, was late in
reaching court yesterday morning was
a wordy altercation he had with A. H.
Dudley, an extra guard at the jail. Mc-
Cue was taking exercise in the jail yard
dressed in an old suit and undershirt
when Dudley remarked to the jailer that
it was already twelve minutes of court
time.

McCue retorted that Martin had
charge of him and Dudley had nothing
to do with it, and said that he could
dress in five minutes. The prisoner went
to his cell, making some remark to the
jailer as he did so. Upon coming out on
his way to court and passing Dudley,
the deputy said to the prisoner that his
remark about the time was not aimed
at him.

McCue retorted that he had been hear-
ing other things that Dudley had been
telling about him and said:

"You will soon get enough of this, I
am getting tired of it. You are not fit
to have charge of a dog."

The Guard's Response.

"I am fit to have charge of you," an-
swered Dudley. Edward O. McCue,
brother of the prisoner, coming up at
this point, put an end to the dialogue.
Later in the day the deputy was re-
lieved.

It was to Dudley that Mrs. Mar-
shall is said to have delivered the let-
ter which she says was strictly business,
and which others describe as quite lov-
ing. Dudley's belief is that his oversight
of McCue was closer than was pleasant
to the prisoner, and that he was irritat-
ed by the letter incident. Dudley is in
possession of the letter.

During the session of court yesterday
afternoon, the prisoner beckoned to Du-
dley, who was standing in the audience,
and apologized for the language he had
used.

Letters in Evidence.

Court assembled a few minutes after
ten and Earnest Crawford was called
to the stand and identified a batch of
letters written by Mrs. McCue in 1890
and 1891 to her husband. The purpose
of these letters, the defense said, was
to show the relations existing between
the husband and wife.

The letters were read by Mr. Walker.
Letters from the accused to his wife
during the same period were also iden-
tified and read. The correspondence
gave abundant evidence of affection.
The morning hour was taken up with
this proceeding which proved rather
dull. At its conclusion Captain Woods,
for the Commonwealth, announced that
he had no further witnesses.

The defense said they could save time
if court would adjourn until Monday,
giving time for them to cut out all un-
necessary examination of witnesses for
the defense. The jury consented to
this and the defense will begin with its
witnesses at 9 o'clock Monday. At-
torney Lee said that he believed by
Tuesday afternoon next they could have
in all their evidence.

The Afternoon Session.

The afternoon session of the corpora-
tion court yesterday was almost wholly
devoted to discrediting the evidence
of J. William McCue, the seventeen-
year-old son of the prisoner.

W. G. Baldwin, of the Baldwin detec-
tive agency, said:

"I met Willie McCue Tuesday morn-
ing at 9 o'clock with Albert Baldwin
and Ernest Crawford. I had six, eight,
and possibly a dozen conversations with
him. He said John Perry knew a great
deal about the case; that he (Perry) had
told him he had heard Mrs. McCue had
been killed. Willie said he could ar-
range a meeting for me with John Per-
ry."

"I asked him if he believed his father
had killed his mother and he said he
did."

The Pistol Episode.

"I met Willie a number of times after
this at Hotel Gleason. He came there
and called for me. He told me about
his father running his mother with a
pistol and of her taking refuge in his
bed. He said on the night of the tragedy
that his father and mother had quar-
reled at the supper table and his father
went out on the porch and said, 'I have
shooted her as long as I intend and I'll
be damned if I stand it any longer.'"

"Willie said his mother was jealous
of attention paid by her to other
women; that he (Willie) had re-
ceived a number of letters from other
women and would give them to me; that
his father had gone to Washington four-
teen or sixteen times in the last three
months, presumably with women."

"I went with Willie, he requested,
to see the body of his mother. He said
he looked at his mother. 'This is the
most peaceful look I have seen on my
mother's face for several years.'"

"I never sent for Willie McCue in my
life. He came here as I intend and I'll
be damned if I stand it any longer."

The witness here identified the state-
ment of John Perry, written by Willie
McCue, and said it was given to Albert
Baldwin by Willie McCue in the pres-
ence of a witness.

"It is not true that either my brother
or myself took it from Willie's hands,"
the witness continued. "He handed it
voluntarily to my brother. It was at
my suggestion that Willie got the state-
ment from Perry."
Other witnesses testified to practically
the same thing.



THE WINNER

WILLIAM H. ELLIS
NOW IN AMERICA

Lands in New York and Is
Coming to Washington.

WILL MAKE A STATEMENT

Received Important Concessions From
Abyssinian Government, Includ-
ing Rich Diamond Mines.

NEW YORK, Oct. 29.—William H.
Ellis, of New York, who conveyed to
Emperor Menelik, of Abyssinia, a treaty
of commerce, which had been negotiated
between that empire and the United
States, was a passenger on the Ameri-
can liner Philadelphia, which arrived
here today from Southampton.

On the outward voyage Ellis was a
fellow passenger with F. Kent Loomis,
brother of the Assistant Secretary of
State, Francis B. Loomis, on the steam-
er Kaiser Wilhelm II. When the ves-
sel reached Plymouth, England, Mr.
Loomis was found to be missing, and
later his body was washed ashore on the
English coast.

When seen today Ellis refused to make
any statement regarding the Abyssinian
treaty or the death of Loomis. He said
he was going direct to Washington to
see President Roosevelt, and then would
give out a full statement concerning
his connection with the treaty.

Nothing to Conceal.

About the death of Loomis, he said he
had nothing to conceal, and had been
much maligned and misrepresented. He
said he gave a full account of Loomis'
death to the brother of the deceased.

"I shall refuse to be interviewed until
after I go to Washington, when a full
statement will be given to the press,"
he said. "Regarding my personal ven-
tures I have been given full concessions
for all the diamond mines in Abyssinia,
and 200,000 acres of land on the Nile
to experiment in cotton growing. Every
effort was made by French and British
representatives to prevent the granting
of these concessions. I shall establish
the royal bank of Abyssinia and con-
trol the financial affairs of the coun-
try."

Up to 3 o'clock this afternoon the State
Department had not official information
about the arrival of Mr. Ellis. As-
sistant Secretary of State Loomis, who has
charge of the Abyssinian treaty matter,
is not in the city.

DISTRICT ATTORNEY
SETS CASES FOR TRIAL

District Attorney Beach has set the
following cases for trial on the dates
mentioned:

John Lawrence O'Brien, charged with
the embezzlement of \$5,000 from Frank
Hume, November 16; George Webb, man-
slaughter—held responsible for the death
of Frances Monroe, November 11;
Henry Heuth, murder of Agnes Levey,
November 25; William W. Hamilton, for
the murder of James A. Buxler, Novem-
ber 28, and James A. M. Watson, Novem-
ber 28.

The repairs and improvements to Crimi-
nal Court No. 2 are finished and in all
probability the room will be occupied on
Monday.

See Our Windows—Wineman, 914 F.
—Adv.

SAYS PRESIDENT
HAS BEEN UNFAIR

Tyner Describes Action as
Campaign Movement.

MAKES SOME EXPLANATIONS

Criticises Dragging His Wife's Name
Into Case as Unnecessary
and Brutal.

"The President has paid absolutely no
attention to my letters, in which only his
much heralded 'Square Deal' was re-
quested. I have been treated unfairly,
and my wife has been treated brutally,
being dragged into an affair with which
she had no concern. I have nothing fur-
ther to say in this matter, save that
the President's action is purely a cam-
paign movement and that I am inno-
cent."

General James N. Tyner, former At-
torney General for the Postoffice De-
partment, spoke the foregoing words to-
day to a Times reporter today in com-
ment upon the President's renewed ex-
coriation of his acts.

Articles Removed From Safe.

General Tyner was bitter in his opin-
ion of Messrs. Payne and Bristow for
the part they took in investigating the
articles removed from the Postoffice
safe by Mrs. Tyner.

"The articles," said the general, "were
nearly all the personal property of Mrs.
Tyner, and were for the most part,
trinkets, souvenirs, letters, anniversary
and birthday presents, made by me to
my wife. In spite of the fact that the
contents of each envelope was marked on
the outside in my own handwriting,
nothing was sacred to their long-pry-
ing fingers, save my will. Mr. Payne was
familiar with my handwriting, and had
been a personal friend of mine."

"He knew that I would not label an
envelope containing one thing, and then
include within it something else.
To receive such treatment from one
whom I always had considered my
friend a severe blow. Even my personal
letters to my wife were read from be-
ginning to end. In their efforts to dis-
cover incriminating evidence, they left
nothing unopened."

Mrs. Tyner Not Concerned.

"As to Mrs. Tyner being dragged into
the case, I consider the action ungen-
tlemanly to say the least. The affair
was between President Roosevelt and
myself, and in no way was she con-
cerned. She was brought into the affair
after it had been thoroughly aired and
satisfactorily settled in both the depart-
ment and the United States Court."

Taken by Mistake.

In speaking of the removal of Govern-
ment papers from the safe at the Post-
office Mrs. Tyner said:
"The semi-official papers which I took
from the safe by mistake, referred to
the case of Inspector Wheeler, of New
York, holding position as a result of
Senator Platt's influence. Charges of
fraud were made against him."

(Continued on Third Page.)

\$1.25—To Baltimore and Return—\$1.25.
Pennsylvania Railroad, Saturday and
Sunday; tickets good on all trains ex-
cept Congress, the Limited, and good
for return until Sunday night.—Adv.

DEPUTY SHERIFFS
RAID GOLF CLUB

Montgomery Anti-Saloon
League Back of Move.

PATRONS LOSE WHISKY

Chevy Chase Organization Will Fight
in the Courts—No Law
Violated.

Unless they had previously provided
themselves with pocket flasks contain-
ing the necessary liquid adjuncts to the
enjoyment of golf, and to other sports
about the grounds of the institution, the
members of the fashionable Chevy
Chase Club are as dry today as the
proverbial salt cod of Massachusetts.

As the result of the raid on the club
house by the authorities of Montgomery
county all the supplies of the club bar
are in the hands of the sheriff. The of-
ficers of the club, however, have retained
counsel, and the matter will be fought
out in court. In the meantime members
are carrying Scotch and other liquid re-
laxations with them.

The trouble seems to have been started
by the Anti-Saloon League, of Mont-
gomery county, which held a meeting
at Sandy Springs and mapped out a
campaign against the club because it
held an internal revenue license to sell
whiskies and similar things.

Appeal to County Officers.

The Anti-Saloon League instructed its
attorney, Frank Higgins, to bring ac-
tion. Accordingly, with Constable Ed-
ward Bradley, he consulted State's At-
torney Robert B. Peter, and a search
warrant was issued. Armed with this
instrument, Deputy Sheriff George W.
Mulligan and Bradley, with several as-
sistants, forming a formidable posse,
swooped down upon the club and raided
it. Stories of liquor in the club house
had reached the ears of the officers,
and they had no time in searching the
premises. There was a goodly array of
flasks behind the house, and the officers
arrested the man in charge, but re-
pented and let him go.

They seized, however, all the liquors,
except the store of whisky, wines, and
brandy in the cellar.

The raid naturally created a sensa-
tion at the club house. The officers,
however, were treated with great politeness
and courtesy. The officers loaded
about \$200 worth of goods on their wag-
on and about half past 10 o'clock at
night disappeared. In the cellar was
about \$1,500 worth.

New Local Option Law.

The action was taken under the new
local option law of the county, which
makes the possession of an internal re-
venue license for the sale of intoxicating
drinks prima facie evidence of guilt. The
goods were turned over to Sheriff Ar-
thur Williams, who in turn this morning
made a report to the State's attorney.
The latter, under the law, must take
the case before the grand jury. The
next grand jury convenes November 14,
and State's Attorney Peter today made
the statement that indictments are cer-
tain to follow a presentment.

(Continued on Second Page.)

Fyynn's Business College, 8th and K.
Business, shorthand, typewriting and a re-
—Adv.

ANOTHER OFFER
TO BRIGHTWOOD

President McDermott, Unwilling to Keep
Fortune From Critics, Will Lease
Road for Nominal Rent.

BOARD OF ARBITRATION
MAY ADJUST THE DETAILS

Better Service Result of Not Adhering to
Letter of Law—Washington Railway and
Electric Company Declares Dividend.

PRESIDENT MCDERMOTT'S OFFER.

"Let the residents of Brightwood form a company to run an inde-
pendent railway, and I will make them this second proposition:

"They can sign a lease of the road for five years, for which privi-
lege the consideration will be a guarantee of the interest on the first
mortgage, which is \$250,000.

"The second mortgage and the floating debt, amounting in all to
nearly five hundred thousand dollars, will not be considered in the ne-
gotiations.

"I will lease them both power and cars at precisely the same rates
charged to the lines in the other companies of the system.

"If they are not satisfied to accept those rates I am willing that a
board of arbitration be appointed and I will undertake to see that the
decisions of the board shall be accepted."

Since the publication last Sunday of
his remarkable offer through The Times
to make a gift of the Brightwood Road to
any responsible people of Washington
who would assume its liabilities, Presi-
dent Allan L. McDermott has been ab-
sent from the city on business. He was
seen last night by a Times reporter,
who called his attention to some of the
most striking comments that had been
called forth by the offer.

"I noticed," said Mr. McDermott, "an
interview with Mr. Blair Lee published
in the early part of the week. In that
he set forth the fact that the Bright-
wood section offered a golden harvest
for a railroad company that could start
in without an incumbrance of accumu-
lated debt. The returns on such an
investment would, in his opinion, be
enormous.

Regrets He Is Impediment.

"It is very painful for me to learn that
I am standing between anyone and such
profits. If all that money can be made,
some one should have the opportunity
of making it, and why not the people of
Brightwood who are interested in the
suburb? The road is another propo-
sition which I hope will give the Bright-
wood gentlemen the chance to get the
profits from the traffic which I under-
stand would be the portion of the pres-
ent company were it not for its bad man-
agement."

"Mr. Lee speaks of the power which
gave the charter having also the power
to take it away. He says further that
if this should be done Congress could
order the Brightwood Railway Company
to tear up its rails and get out of the
way of some one who can run a railway.
It seems to me that that would be
rather unwise. The road is a well-
constructed and very well constructed. Instead
of destroying that which is in existence I
am disposed to let it contribute to the
success of such a new company. Of
course the gentlemen who are criticising
the present management feel that
they could do better if they were in con-
trol, so I am going to make them this
second proposition:

"Let them form a company such as
they suggest to run a railway for the
Brightwood traffic. I will turn the pres-
ent road over to them with the single
obligation on their part to pay the in-
terest on the first mortgage of \$250,000
in which the Washington Railway and
Electric Company is in no way interest-
ed. The payment of interest on the
second mortgage and on the floating
debt will not be asked."

A Lease for Nominal Rent.

"The arrangement can be made in this
way. They can sign a lease for the road
for five years which will give them time
to get some of the enormous profits.
They put up no money and the only
consideration in exchange for a lease
on a first class road will be the payment
of interest on the first mortgage which
is less in amount than the construction
of a new road would cost them."

"The second mortgage and floating debt
amounting in all to nearly \$500,000 will
not be considered in the negotiations.
Moreover I am willing to save them the
investment of a large sum of money in
a power plant and equipment. I will
lease them both power and cars at pre-
cisely the same rates charged to the
line in my own companies. If they are
not satisfied to accept those rates I am
willing that a board of arbitration be
appointed which would be absolutely im-
partial and competent."

Submit to Arbitration.

"The officers of the new company
could then submit to the Washington
Railway and Electric Company the
amount they felt willing to pay for the
lease of cars and power. If these
amounts should be higher than the
rates for my own companies I would
give the Brightwood independent man-
agement the benefit of the lesser rate.
If they were not willing to pay the ex-
isting rates the matter could be sub-
mitted to the board of arbitration, and
I would undertake to see that the de-
cisions of the board should be accepted.

My idea of this arrangement is that
it would permit the new company to
commence getting the profits at once
and not compel them to delay making
their fortunes until a new road and
power plant could be constructed.

"Another point made by Mr. Lee is
that the charter granted the Bright-
wood road requires the company to give
a fifteen-minute schedule. In the same
way the charter for the Takoma road
calls for four trips each hour. Mr. Lee
argues from this point that if the com-
pany complied with the law the resi-
dents of the section between the con-
junction of the two lines and the city
would have a seven-and-a-half-minute
schedule. As a matter of fact if the
Brightwood road complied to the letter
of the law the situation would be in-
terferable. The fifteen-minute schedule
could be maintained on the Brightwood
car and a shuttle car could be run from
Takoma Park to connect with it."

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terferable. The fifteen-minute schedule
could be maintained on the Brightwood
car and a shuttle car could be run from
Takoma Park to connect with it."

"Just a Pound of Flesh."

"In this way both sections would have
their fifteen-minute schedule which
could be kept up all day, but while
empty cars would run during the greater
part of the day, the morning and after-
noon rush would be met with a car
every fifteen minutes, which would be
almost as good as no service for those in
a hurry. It seems to me that those who
ask for the letter of the law are not tak-
ing the most intelligent view of the mat-
ter. The law allows it, but do they want
just their pound of flesh and take no
drop of blood?"

As a matter of fact the train sheets
for the Brightwood service are care-
fully studied to meet the conditions. If
it is found that the traffic during cer-
tain hours is too heavy for the number
of cars run an additional car is worked
in. If at another hour it is seen that
the traffic is too light to warrant run-
ning the number of cars in operation at
that time one of the trips taken off
the schedule. This is the only scien-
tific method of adjusting schedules and
it is just what is done on every well-
managed line in the country.

A One-Minute Headway.

"If the management of an independ-
ent road such as I suggest should wish
to do so, I would let them have any
number of cars they might need to run
as close a schedule as they wish. They
could run cars on a one or two minute
headway if such a schedule would seem
wise to them."

"But it all comes back to the difficulty
I have pointed out to you. The majority
of the Brightwood people desire to come
into the city at the same time, which
would upset any schedule that could be
devised. Not very long ago the sched-
ule called for a car at 7:30, another at
7:35, and a third at 7:40. Complaints
were received that passengers could not
get seats on these cars. A five minute
schedule is about as close a headway as
can be used with safety under certain
conditions. To relieve the situation a
car was put on at 7:35. This was but
five minutes earlier for those accus-
tomed to the 7:30 and offered them the
opportunity of avoiding the rush."

"The result was that the patrons of
the half hour car refused to make the
earlier start. They continued to wait for
the car leaving at 7:30 and the number
of passengers on the extra car was so
small the company felt obliged to take
it off the schedule. Of course that is
human nature. They would not make
the earlier start, and if I were in their
place I am afraid I would act as they
did. Nevertheless the opportunity was
given them to ride on a car with plenty
of seats and they would not do it."

Want Conveniences of City.

"The fact of the matter is that people
who have lived in the city and become
accustomed to its conveniences are not
willing to give them up when they be-
come suburbanites. They expect to go
out into the country where they can pur-
chase property for a small amount and
have as good a car service as that to
be found along the streets of the city.
The Washington Railway and Electric
Company is willing to give them a
better service than the section warrants."